

SONJA D. KERR (AK BAR NO. 0409051)
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UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

N.S. by and through
his parents, R.S. and J.S.,

Case No. A05-0177 CV (TMB)

Plaintiffs,

v.

Motion for Attorney Fees and Costs

Anchorage School District,

Defendants.

MOTION FOR ATTORNEY FEES

Come now, N.S., by and through his attorney, and pursuant to Fed.R.Civ.P. 54(d) and D. Ak. LR 54.3 hereby submits this motion for attorney fees and costs and states as follows:

1. On July 27, 2005, N.S. filed a complaint for attorney fees and costs, in the amount of \$12,024.90, as the prevailing party in an administrative special education due process hearing known as DEED Hr. No. 05-12. *Docket No. 1.*
2. On December 19, 2005, 2006, Judge Sedgwick issued an order regarding Defendant's motion to compel, which denied the motion. *Docket No. 20.* In Judge Sedgwick's order he stated "Naturally, if a fee is awarded Plaintiff for work before the administrative agency, it will have prevailed at this level as well, and

will be entitled to an award of attorney's fees incurred in this Court." *Id.* citing *Barlow-Gresham Union High Sch. Dist. No. 2 v. Mitchell*, 940 F.2d 1280, 1286 (9th Cir. 1991).

3. On February 14, 2006, N.S. filed a motion for summary judgment with regard to prevailing party, reasonableness of the hourly rate and the reasonableness of the hours expended in the administrative hearing. *Docket No.* 23-24.
4. On August 17, 2006, the Court issued a decision granting N.S.'s motion for summary judgment and awarding attorney fees in the amount of \$10, 881.67. *Docket No.* 38.
5. On August 22, 2006, the Court issued a judgment in the same matter for the attorney fees awarded. *Docket No.* 39.
6. Plaintiff's attorney incurred \$10,832.50 in fees at the rate of \$225 per hour to recover the fees from the underlying hearing awarded by the Court. See Affidavit of Kerr, Ex. A. Plaintiff also incurred \$102.97 in costs. See Affidavit of Freeman, Ex. B.
7. On August 24, 2006, Plaintiff sent a letter to Defendant's counsel requesting payment of fees incurred to recover the fees from the underlying hearing along with an invoice detailing hours expended. Ex. C.

CLAIM FOR RELIEF

WHEREFORE, pursuant to this Court's authority and jurisdiction Fed. R. Civ. P. 54(d) and D. Ak. LR 54.3, DLC hereby requests that the Court:

1. The fees and costs incurred by DLC in the amount of \$10,935.47.
2. Attorney fees for the drafting of this complaint, and reasonable attorneys' fees

and costs in the pursuit of this action.

Dated: September 1, 2006

/s Sonja D. Kerr
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Certificate of Service

I hereby certify that on the 1st day of
September, 2006, a copy of this document
was served electronically and by fax on:

Brad Owens
Jermain, Dunnagan & Owens
3000 A Street, Suite 300
Anchorage, AK 99503

/s Sonja D. Kerr
Sonja D. Kerr